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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

MARIA GALLEGOS ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 2:24-cv-02384-AC

**STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT, 28 U.S.C. §  
2412(d), AND COSTS PURSUANT TO  
28 U.S.C. § 1920; [PROPOSED]ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount \$6720.34 (SIX THOUSAND, SEVEN HUNDRED TWENTY dollars and THIRTY-FOUR cents) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.

1 §§ 1920; 2412(d).

2 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
 3 the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*,  
 4 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment  
 5 will depend on whether the fees are subject to any offset allowed under the United States  
 6 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the  
 7 government will determine whether they are subject to any offset.

8 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
 9 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
 10 expenses and costs to be made directly to counsel, pursuant to the assignment executed by  
 11 Plaintiff. Any payments made shall be delivered to counsel.

12 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
 13 attorney fees and does not constitute an admission of liability on the part of Defendant under the  
 14 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
 15 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating  
 16 to EAJA attorney fees or costs in connection with this action.

17 This award is without prejudice to the rights of counsel and/or counsel's firm to seek  
 18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
 19 provisions of the EAJA.

20 Respectfully submitted,

21 Date: February 21, 2025

Law Offices of Francesco Benavides

22 By: /s/ Francesco Paulo Benavides  
 23 FRANCESCO PAULO BENAVIDES  
 24 (as authorized by email)  
 Attorney for Plaintiff

25 Date: February 21, 2025

26 MICHELE BECKWITH  
 Acting United States Attorney  
 27 MATHEW W. PILE  
 Associate General Counsel  
 28 Office of Program Litigation, Office 7

Social Security Administration

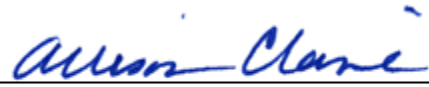
By: /s/ Julie A.K. Cummings  
JULIE A.K. CUMMINGS  
Special Assistant United States Attorney  
Office of Program Litigation, Office 7  
Social Security Administration

Attorney for Defendant

**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees in the amount of \$6720.34 as authorized by 28 U.S.C. § 2412, and no costs, be awarded subject to the terms of the Stipulation.

DATED: February 21, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE